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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/15/2001

Brian D. Laughlin

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9209

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06/08/2006

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EXAMINER

JASMIN, LYNDIA C

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/882,834

Applicant(s)

LAUGHLIN ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-19, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 59 and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Amendment received March 24, 2006 has been acknowledged. Claims 59 and 60 have been added.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-19, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruse et al. (2002/0010659), in view of Shipman (5,819,232).

Cruse discloses a method for managing an inventory (210) of at least one product of a supplier (125, 135) that is provided to at least one customer (310 of multiple remote sites 110 (1, 2, 3, 4) wherein the at least one customer is capable of receiving and shipping out the at least one product, the method including the steps of: creating an open purchase order comprising an acceptable inventory range bounded by a lower limit and an upper limit for each product that the supplier provides to the at least one customer (via automatic reorders process as for example Min/Max Model ¶ [0092]), storing a supply amount of the at least one product in a storage unit that is remote from the supplier and proximate to the customer (via inventory 210 area near production line 205; or as disclosed in ¶ 0035), maintaining a product inventory count for each product representative of the amount of the product that is maintained in inventory by the at

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least one customer (via product/stock scanned), the maintaining includes: decreasing the product inventory count as the at least one customer ships out the respective product. Cruse further discloses storing the product invention count in an electronic file (via inventory software 440 e.g. a browser over internet 105). Each product includes at least one electronic identifier (via product parts number and/or bar code), and reading each electronic identifier (via scanner 220) as the customer ships out the respective product and immediately thereafter decreasing the product inventory count by the number of products shipped out as identified by the electronic identifiers; and reading each electronic identifier as the customer receives the respective product from the storage unit and immediately thereafter increasing the product inventory count by the number of products received as identified by the electronic identifiers (see ¶ 0029).

However, Cruse fails to explicitly disclose increasing the product inventory count as the at least one customer receives additional amounts of the respective product, wherein the at least one customer receives the additional amount from the supply amount stored in the storage unit, and monitoring the product inventory count at a supplier location such that the supplier is capable of detecting when product inventory counts approach the respective lower limits, wherein the product inventory count approaches the respective lower limit when the product inventory count falls below a notification level greater than the lower limit and between the lower limit and the upper limit.

Shipman discloses the concept of using a computer model to control a manufacturing or distribution process, with the steps of determining a demand forecast

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by using an optimized historical weighting factor, determining an upper and a lower bound of a planned inventory by explicitly accounting for the customer order lead time, and computing a production schedule at predetermined intervals to maintain an actual inventory between the upper and lower bounds of the planned inventory.

Shipman further discloses the concept of safety stock levels to be carried by twenty to fifty percent (20 to 50%) compared to conventional inventory planning methods.

From this teaching of Shipman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention management of Cruse to include the master production scheduling or distribution requirements planning taught by Shipman in order to facilitate the ordering process and provide better service for customers with fewer missed or late shipments.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-9, 11-19, 59 and 60 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lucas discloses the concept of allowing a third party to act as a broker to monitor inventory. Bakes et al. discloses the concept of optimizing product inventory levels. Huang discloses the concept of vendor manage invention and request

for service. Aykin discloses the concept of forecasting actual customer orders to determine component-stocking levels.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627

lj